

Chair Boyle called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published November 4, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 13, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Thursday, November 13, 2003:

GW-2101 Commission Hearing Room, Lincoln.
11:00 Fox Grain of Gibbon, Inc., Gibbon, seeking special rates and charges. Commissioner Vap chairing.

C-3012 Commission Hearing Room, Lincoln. Oral Argument
1:30 The Commission, on its own motion, seeking to conduct a critical cost analysis for Aliant Communications Co., dba ALLTEL, as a result of the Nebraska Technology and Telecommunications, Inc., and ALLTEL arbitration conducted in Application C-2648. Commissioner Landis chairing.

Thursday, November 20, 2003:

NG-0001 Commission Hearing Room, Lincoln. Pre-Hearing Conference
NG-0002 Aquila, Inc., d/b/a Aquila Networks Aquila), Omaha, seeking
NG-0003 a general rate increase for Aquila's Rate Area One, Rate
10:00 Area Two and Rate Area Three. Commissioner Landis chairing.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances. The Commission approved the proposed late fee of \$50.00 to be levied against Qwest Wireless. Complaints are to be entered against Clari-com; KDDI; Touch America; Z-tel Communications and NUI Telecom. The request from PNG to waive the \$50.00 late fee for September was approved.

NUSF-34 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure to accurately report information as set forth in Commission rules and regulations and Commission orders. Jeff Pursley reported on and the Commission approved the carrier true-up data requests/interrogatories that were due June 16, 2003.

UNIVERSAL SERVICE FUND

DC-65/ In the Matter of Jeffrey L. Pursley, Director, Nebraska
NUSF-38/ Universal Service Fund, and Kara Thielen, Director, Wire-
911-0008 less E911 Department, Complainants, versus TracFone,
Defendant: The Commission approved that a joint complaint
be entered against Tracfone for inaccurate reporting of NUSF/E-911
remittances.

NUSF-33 In the Matter of the Commission, on its own motion, seeking
to investigate the audit requirements related to the
Nebraska Universal Service Fund: A hearing was set for December 10,
2003, at 10:00 a.m. in the Commission Hearing Room. Motion made by
Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT

C-2872 In the Matter of Great Plains Communications, Inc., Blair,
seeking arbitration to resolve issues relating to an inter-
connection agreement with WWC License, LLC, Issaquah, Washington:
Gene Hand advised the Commission that an executed interconnection
agreement was filed on November 10, 2003, and notification was re-
ceived that WWC License has appealed the final arbitration decision.

C-2995 In the Matter of Qwest Communications Corporation, Denver,
Colorado, seeking authority to operate as a competitive
local exchange carrier of telecommunications services within the State
of Nebraska: An order dismissing the application was proposed. Motion
made by Commissioner Jerry Vap, seconded by Commissioner Lowell John-
son. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis, Jerry Vap voting AYE.

C-3015 In the Matter of MG, LLC, d/b/a SearsConnect, Fort Lee, New
Jersey, seeking authority to operate as a resale common
carrier of telecommunications services within the state of Nebraska.
An order was entered to grant the application. Motion made by Com-
missioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis, Jerry Vap voting AYE.

C-3018 In the Matter of CIMCO Communications, Inc., Oakbrook
Terrace, Illinois, seeking authority to operate as a common
carrier of telecommunications service within the state of Nebraska.
An order was entered to grant the application. Motion made by
Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3025 In the Matter of the Commission, on its own motion, seeking to conduct a 90-day proceeding as contemplated by the Federal Communications Commission in its Triennial Review order adopting new rules for network unbundling obligations: Gene Hand advised the Commission that several Motions for Admission Pro Hac Vice were received from AT&T on November 7, 2003. Commissioner Boyle will rule on the motions as hearing officer.

C-3026 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review order adopting new rules for network unbundling obligations: Gene Hand advised the Commission that a Hearing Officer's Order adopting the multi-state batch hot cut proposal was entered on November 5, 2003. The first batch hot cut forum will be held in Denver, Colorado, on December 1-3, 2003. Gene Hand informed the Commission that several Motions for Admission Pro Hac Vice were received from AT&T on November 7, 2003. Commissioner Boyle will rule on the motions as Hearing Officer.

C-3027 In the Matter of National Access Long Distance, Inc., San Jose, California, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: An order was entered to withdraw the application. Motion made by Commissioner Jerry Vap, seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3031 In the Matter of WWC License, LLC, a subsidiary of Western Wireless, d/b/a CellularOne, Issaquah, Washington, seeking approval of its advertising plan for Measure Usage Universal Service offerings in the state of Nebraska: Gene Hand advised the Commission that a protest and intervention had been received.

C-3045 In the Matter of the Petition of Clarks Telecommunications Co., Consolidated Telco, Inc. Consolidated Telecom, Inc., Consolidated Telephone Company, Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Co., K & M Telephone Co., Nebraska Central Telephone Co., Northeast Nebraska Telephone Co., NebCom, Inc., Stanton Telecom, Inc., and Three River Telco (Collectively the "RLEC Group Companies") seeking arbitration to resolve issues relating to interconnection agreements with WWC License L.L.C.: Gene Hand informed the Commissioners that the parties have selected Paul Hartman to arbitrate the matter.

C-3049 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402: An order was entered open-the docket. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Landis. Motion passed with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis, and Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Engineering Division

E-2023 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in York County: Application was granted. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

E911 DEPARTMENT

DC-65/ In the Matter of Jeffrey L. Pursley, Director, Nebraska
NUSF-38/ Universal Service Fund, and Kara Thielen, Director, Wire-
911-0008 less E911 Department, Complainants, versus TracFone,
 Defendant: The Commission approved that a joint complaint
be entered against Tracfone for inaccurate reporting of NUSF/E-911
remittances.

Implementation Update: Laura Demman advised the Commission that Nextel Partners will be testing and implementing Phase I wireless E911 for Douglas, Sarpy, Washington and Dodge Counties through November.

NATURAL GAS AND WATER DEPARTMENT

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase for
NG-0003 Aquila's Rate Area One, Rate Area Two and Rate Area Three.
 The hearing previously set for 9:00 a.m. on December 1,
2003, was changed to 1:30 p.m. An assessment order was entered for
HSD-003. Motion was made by Commissioner Lowell Johnson and seconded
by Commissioner Jerry Vap. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting
aye.

Miles Halcomb informed the Commission that the Gas Workshop 101 previously scheduled for November 24, 2003, was continued to a date later to be determined.

The Commission approved seeking Requests For Proposals for hiring a consultant to review the annual gas cost adjustments.

Miles Halcomb discussed whether Energy Procurement Plan filings should be considered formal or informal. The staff was directed to open a docket.

Miles Halcomb informed the Commission that NorthWestern Energy made their first Gas Cost Adjustments filing.

NATURAL GAS DEPARTMENT (Cont.)

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Nebraska Revised Statute section 57-1306: An order was entered to grant the application. Motion was made by Commissioner Frank Landis and seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting aye.

TRANSPORTATION DEPARTMENT

B-1610 In the Matter of J. M. Wolfies, Inc., North Platte: A show cause hearing was scheduled for December 15, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

B-1614 In the Matter of Corn Belt Travel, Inc., dba First Place Travel/Bye Bye Now Limousine, Sioux City, Iowa: A show cause hearing was scheduled for December 15, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

B-1642 In the Matter of A-1 Transportation, LLC, Lincoln, seeking to acquire, through transfer, the authority granted to A-1 Ambassador Limousine, Inc., dba A-1 Special Services, in Certificate B-1594: Upon agreement of all Commissioners, the application for temporary authority was granted.

B-1643 In the Matter of A-1 Limousine Service, LLC, Lincoln, seeking to acquire, through transfer, the authority granted to A-1 Ambassador Limousine, Inc., dba Ambassador Limousine, in Certificate B-1469; the authority granted to A-1 Ambassador Limousine, Inc., dba Haymarket Limousine in Certificate B-1470; and the authority granted to J.L.R.D., Inc., dba Lincoln Limousine in Certificate B-1529: Upon agreement of all Commissioners, the application for temporary authority was granted.

Railroad Division

R-183 In the Matter of CNH Global, Grand Island, seeking a clearance waiver from the side clearance restrictions of the railroad track system at their plant in Grand Island: Upon agreement of all Commissioners, the application was granted.

Informal complaints were discussed by Bob Harrison.

Open dockets were discussed by John Schmidt.

Rate Division

TR-129 In the Matter of Servant Cab Company, LLC, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking authority to amend its taxi rates: Upon agreement of all Commissioners, the application was granted.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 20 cents per mile and the taxi surcharge at 25 cents per trip.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 8, Grain Warehouse Rules and #158 Regulations, to adopt rules in accordance with Nebraska Legislative Bill 735 [2003]: Commissioner Vap moved to enter a Certificate of Adoption and Commissioner Landis seconded the motion. Commissioners Boyle, Lowell Johnson, Landis and Vap voted aye and Commissioner Rod Johnson voted nay. The motion passed and a Certificate of Adoption was entered.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel	\$ 524.42
Commercial Computer Systems	1,745.00
Executive Travel	465.00
Executive Travel	404.50
Hamilton Telecommunications	78,102.74
Harding Shultz & Down	1,835.77
Kelly Services, Inc	621.25
Robert Bowman	1,008.02
Fred Massing	892.74
Kent Pribyl	615.44

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,169.20
Associated Hearing Health Care	117.00
Grand Island Hearing Aid Center Inc.	330.00
Hamilton Telecommunications	169.95
Carl A. Johnson	1,600.30
Johnson Hearing Aid Service Inc.	448.92
League of Human Dignity	549.84
Professional Hearing Aid Services	3,348.70

Upon agreement of all Commissioners, authorization was granted for Don Gray to travel to Denver, Colorado from December 1-3, 2003, to attend a forum sponsored by the Regional Oversight Committee (ROC) states to address the Triennial Review Order batch hot cut issue.

GENERAL ADMINISTRATION (Cont.)

Commissioner Rod Johnson moved that the Commission go into closed session to discuss personnel matters and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 10:55 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:00 a.m.

Upon agreement of all Commissioners, authorization was granted to hire Jaime McAlister as a temporary employee to replace Nancye Vanourny who will be on medical leave effective November 14, 2003, for at least 8 weeks.

Upon agreement of all Commissioners, the resignation of Nichole MacDonald was accepted effective December 1, 2003. Jeff Pursley was given authorization to fill the position.

The meeting adjourned at 11:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on November 25, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 24, 2003.

Chair

Deputy Director